

**Lewis County Planning Commission
Public Meeting
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

**September 14, 2010
Meeting Notes**

Planning Commissioners Present: Mike Mahoney, Bob Guenther, Jim Lowery, Rachael Jennings, Richard Tausch

Planning Commissioners Excused: Bill Russell, Arny Davis

County Commissioners Present: Lee Grose

Staff Present: Phillip Rupp, Barbara Kincaid, Glenn Carter, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from August 24, 2010
- Rezone Request Matrix of Staff Recommendations
- Map of Application #171
- Countywide Planning Policies
- Staff Report from Michelle Whitten re: Toledo UGA Proposal
- Staff Report from Barbara Kincaid re: Toledo UGA Proposal
- Memo from Bill Russell re: Countywide Planning Policies and Mineral Lake Rezone Request
- Letter from Davis Wright Tremaine re: Mineral Lake Rezone Request

I. Call to order

Chairman Jennings called the meeting to order at 7:03 p.m. The Commissioners introduced themselves.

II. Old Business

A. Approval of meeting notes

Chairman Jennings entertained a motion to approve the meeting notes from August 24, 2010.

Commissioner Guenther moved to approve, Commissioner Lowery seconded. The motion carried.

B. Recommendation on Rezone Requests

Mr. Rupp stated the complete matrix of recommendations is included in the Commissioners' packets.

An analysis of comments from the Planning Commission have been added as well a summary of the comments. Mr. Rupp asked if the Commission would like to go over the changes from the existing designation to something other than it is currently. He also asked that a public hearing be set for October 12.

Commissioner Mahoney stated these materials have been reviewed numerous times over the past several weeks and asked if there is a need to go over them again. The public hearing will provide new comments from property owners that can be considered before recommendations are made to the Board of County Commissioners.

Mr. Rupp stated there are a couple of changes that came through requests by the applicants. One is Application #171 which had been designated Agricultural Resource Land (ARL). The land has steep slopes that would not allow farming. Mr. Rupp field checked this property, and all the applications, and discovered the slopes are very steep there. The recommendation from Planning Staff is to change the designation on the pieces of property to RDD-5 that are adjacent to RDD-5. A map showing the property was distributed to the Planning Commissioners. A record of survey has been brought in identifying the land to modify it and it reduces the acreage to take out of ARL. Mr. Rupp believes it is a reasonable request because of the steep ground and it excludes land at the bottom which is good farm land, on which the owners are raising hay.

Commissioner Mahoney suggested looking at the 5-acre parcel that is in-between the two triangular pieces and against the road. That is not part of the farm but is part of the steep ground and perhaps should not have been included in the ARL designation. Even though it has not been requested for a change, it would make sense to include it.

Mr. Rupp stated that suggestion can be taken to public hearing.

Mr. Rupp stated for various applications, staff looked not only at the property specific to the application but at expanding the area to include a more logical boundary. In many instances it included several pieces of property. In light of the requirements that the County must adhere to for notification of this type of land use issue, staff thought it was in the best interest of the public to not automatically include those areas but suggest if property owners want to come in and apply for a zone change later on it would be appropriate. A wholesale inclusion of some of those properties might not be a good decision because we learned in telephone conversations with some of these people that they did not sign the application to be included but to support their neighbor's request.

Commissioner Mahoney asked staff's recommendation on the reduced acreage on Application #171. Mr. Rupp stated the recommendation is to change it to RDD-5.

Application #160, Map 7, involves mineral resource land near Vader that was designated ARL. The code requires that the County, if an application is made and it is indicated that there is "x" amount of value in the gravel, grant that designation. It does not give any leeway - it is granted. This should remain mineral resource land.

Applications 108 and 111 are in the South County area where significant acreages were proposed to be changed from RDD-20 to RDD-10. The applicant has pulled that back to include a couple of pieces of property which is identified on the last page of the matrix. The owners wish to have this re-designated as RDD-5. The two pieces of property front the road that can service the property if it were developed, and it is adjacent to RDD-5 zoning. This would clear up some zoning that is broken up on the property and staff believes this is a reasonable request.

The other applications are self-explanatory; Mr. Rupp offered to answer questions by the Planning Commissioners. There were no questions.

Mr. Rupp prepared a summary of the Mineral Lake rezone request, Application #156, which he distributed to the Commissioners. The summary reflects the position that staff stated for the County on the rezone request from Forest Resource Land of long term commercial significance to Forest Resource

Land of local importance. Staff recommends that the County not support the requested change. A public hearing needs to be set for this application for October 5 in the Mineral area.

This afternoon, Mr. Rupp received a letter from Davis Wright Tremaine, LLP on behalf of Forecastle. He distributed copies of the letter and it will become part of the discussion for the public hearing.

Commissioner Guenther made a motion to set a public hearing in Mineral on October 5 to discuss Application #156. Commissioner Lowery seconded; the motion carried.

Commissioner Mahoney made a motion to set a public hearing on the rezone requests for October 12 at 7:00 p.m. Commissioner Lowery seconded; the motion carried.

III. New Business

A. 1st Workshop on Countywide Planning Policies and Population Allocation

Mr. Rupp stated the Countywide Planning Policies (CWPP) are part of the annual revisions to the County comprehensive plan. It is particularly important this year because there is a lot of activity in South County and at the TransAlta site. The CWPPs must be consistent with the objectives of those planning efforts. Staff identified certain policies that were missing that would facilitate the adoption of the South County Plan and the adoption of an industrial park at TransAlta in the future.

There are two attachments of the CWPPs. The first identifies those provisions that have been revised to enable the South County Plan and the Industrial Park at TransAlta (IPAT) to move forward and also includes some housekeeping items that only pertained to the county planning effort and not to local jurisdictions' planning efforts. The items taken out are covered in the county code.

To summarize, the CWPPs provide a policy basis for the County's comprehensive plan to be modified and for the adoption of the Subarea Plan and IPAT.

Chairman Jennings received comments from Commission Russell who could not attend tonight's meeting. The comments were:

1.12.1: remove the sentences that begin with "an urban growth" and "In determining".

1.12.4 and 1.12.6: Mr. Russell was concerned with removing 1.12.4 and skipping to 1.12.6. There will be no accounting of how an amendment can be initiated, only how it will be reviewed. Mr. Rupp stated the position of the Planned Growth Committee was that this is addressed in County Code and the County Comprehensive Plan and not necessarily in the codes and plans of the other jurisdictions.

1.12.7: should consider removing everything after the word "document".

3.5: we have no control over what the state will or will not do. Mr. Rupp stated local governments adopt these CWPPs as guidelines for the formulation of their Comprehensive Plan; therefore we do have a little influence, not necessarily with the state, but with other planning jurisdictions.

3.6: who is the "airport authority" and what control does the county have over them. Ms. Kincaid's response was the overarching airport authority for the State of Washington is through WSDOT Aviation. The county's local airports also have airport boards that are the authorities at the local level.

4.2: consider dropping or defining “Economically Viable”.

10.6: consider dropping or defining “to the fullest extent possible”.

Commissioner Russell also highlighted “shall” throughout the document; change “may” to “will”; some “should” to “shall” or “will”.

1.12.3: the last sentence “the de-designation of resource lands should be limited to where there is no practical alternative”. He asked for a definition of “practical alternative”.

Mr. Rupp called attention to the Population Allocation chart in the commissioners’ packets. The last time the county looked at the population figures was in 2007 and a recommendation was adopted at that time for the new OFM projections. The OFM population projections, which the County is required to plan under the Growth Management Act, came out with new projections this year. If we modified our projections this year we would be required to go through all the UGAs and review whether they are adequate in size to accommodate the population, and if the cities are capable of servicing those UGAs with water and sewer. The census is complete now and the results will come out in 2012 and the recommendation is to move the population from the 2025 timeframe to the 2030 timeframe and maintain the existing allocation. When we get the census results, we can look at the allocation that is part of this record.

Attachment 3 has been modified to move those numbers to the planning horizon of 2030.

Commissioner Lowery stated the Toledo population projection has remained the same and asked if this is realistic because of the subarea plan and other issues.

Mr. Rupp stated it is consistent and Ms. Kincaid will discuss that when she reviews the Toledo request for a UGA expansion later in the agenda.

Mr. Rupp asked the Planning Commission to take action to set a public hearing on the Countywide Planning Policies and Population Allocation for October 12. Commissioner Lowery made the motion; Commissioner Guenther seconded. The motion carried.

B. 1st Workshop on Toledo UGA Proposal

Ms. Kincaid stated Ms. Michelle Whitten, Toledo City Clerk, was at the meeting if there were questions of her. She then summarized the process for a UGA expansion. When a city needs more urban land to support its population it starts with submitting a needs assessment which includes what is available, the housing density, the adopted population and vacancy rates. That is calculated to determine if there is enough land to support a 20-year population growth projection. That information goes to Lewis County and the Planned Growth Committee (PGC) reviews it. The PGC is an advisory body that includes all the cities and the County. We are required by law to pick a target population projection that comes out of OFM and after choosing the number the PGC decides where the population gets allocated. In Toledo’s case, Commissioner Lowery noticed that 1,131 was their allocated population and that is what they still project to 2030.

After it goes through the PGC and there is a consensus that it is a reasonable projection and needs assessment and there are no conflicts it is forwarded to the Planning Commission.

The Toledo UGA is part of the South County planning process which began a couple of years ago. In the first year of the work Toledo had anticipated it needed more urban land and over the years has submitted proposals but the County was under invalidity and the city had to wait until that was lifted. In the cooperative planning process through the South County effort data analyses were looked at for the areas that could support urban growth and that is how the boundaries were determined. Toledo did its own independent analysis and submitted it to the county and that is what is being presented to the Planning Commission.

Ms. Kincaid stated there are 16 parcels totaling 149 acres which are adjacent to the existing city limits. The city came up with dwelling units using their 5.5 dwelling units per acre which is in its code. Their achieved density, however, is only 3.5 largely due to the constraints of flood plain, the Cowlitz River and slopes. The city also considered non-residential uses which they must provide land for: commercial, retail, public lands, open space, etc. That shows that they need the land that they are requesting.

Commissioner Guenther pointed out the water tower and the timbered area and asked if that is included in the UGA. He thought that was the watershed. Ms. Whitten stated it is in the urban growth area and it is the watershed and it will remain watershed.

Ms. Kincaid stated Toledo meets the GMA tests for urban growth area expansion and she provided an analysis of a compilation of the items in the GMA and WAC guidelines that we must consider if we were to approve such a request. UGAs need to be adjacent to areas that are already characterized by urban growth and this is adjacent to the city. The request meets the requirements to provide for the projected population of 1,131.

It is imperative in the calculation that the area within the UGA request does not ask for more land than is needed; they can include a reasonable market supply factor which is typically 25%, and they must include areas that will be green belt and open space. That has been included and the city did use the 25% market factor.

If there is potential for infill or re-development that must be taken into consideration so the city is not expanding beyond what it needs. The city talked about being largely built out and those areas that currently limit development. Some areas that appear to be vacant or underdeveloped ought not to be developed.

Another aspect that must be considered is if the area can facilitate services and governance during the planning period. Ms. Kincaid noted in her report that the city does state its intention to amend the utilities element in its comprehensive plan, its land use, and an amendment to the general water and sewer plans.

The county code adopts by reference the city's comp plan since what is now county land will be under the city's governance. That is accounted for in the county code and agreement with the city. Urban growth amendments have to show information about the capital facilities and services that will be necessary and how to provide for new portions of the UGA. The city has shown the existing services,

who will provide them and how they would anticipate the provision of these services for additional capacity for new growth.

The city's current water/sewer service boundaries do not reflect the new area. This is a catch 22 because the city does not get an approved plan from Ecology that shows a service area that is outside an already adopted UGA.

The city is also working with the county and cities of Winlock and Vader on a regional utility option. Until that work concludes there are two paths the city is on for the provision of urban services necessary to support this UGA.

Ms. Kincaid recommends the approval of this UGA expansion of 149 acres. She stated it is consistent with GMA, the county's comp plan and county policies. There are two conditions she recommended to maintain the countywide policy 1.3. The UGA needs to include the entire right-of-ways of public streets, roads and highways. Also, the city will amend its comp plan and its general water and sewer plans to include this new service area.

Ms. Kincaid stated at the last meeting the public hearing was set for this UGA expansion, along with the Subarea Plan, for September 29 in Toledo at St. Mary's Center at 7:00 pm.

A question was raised whether the hearing in Toledo was sufficient or if an additional hearing on the subarea plan was needed in Chehalis. The Commissioners decided the hearing in Toledo would be sufficient.

IV. Calendar

September 15: Workshop on South Lewis County Subarea Plan

September 28: 1st Workshop on the Comprehensive Plan Amendments

September 29: Public Hearing on the Subarea Plan and Toledo UGA at St. Mary's in Toledo, 7:00 pm.

V. Good of the Order

Chairman Jennings had comments from Commissioner Russell regarding the Mineral Lake rezone request. In summary, Commissioner Russell stated he looked thoroughly at the area and was unable to find where an error was made in the original designation. The County Code requires us to accept the application for rezoning. It does not demand that we accept the request, only that we consider it under the criteria used for this designation.

He stated that the land has been divided into 80 acre tracts and some wells have been drilled and that is what was planned for. Further division is not planned for.

We cannot let personal feelings or monetary concerns influence our decision. We must follow GMA rules and the WAC and Lewis County Code.

Chairman Jennings asked if there were comments from the audience.

Mr. George Redden, Toledo, stated his property is included in the proposed industrial area. He just heard about this proposal this week and his neighbors have not received sufficient information. He asked if he would be able to get questions answered at the meeting on the 15th.

Chairman Jennings stated the meeting on the 15th is for the Planning Commission to ask questions of staff and for the public to get information. The public hearing is when Mr. Redden should speak so his comments are on the record. Chairman Jennings stated copies of the material can be found at the Community Development Department on Kresky Avenue across from Yard Birds.

Comments can be provided to Community Development at any time and oral comments will be taken at the public hearing.

Ms. Kincaid explained the public process. The workshop will be on Wednesday, September 15, 2010, at the courthouse. The public hearing will be on September 29 which is the first part of the public planning process. The Planning Commission's role is to make a recommendation to the BOCC based on what the community has to say; they do not make decisions about making changes in the land use on September 29. They will listen to the public; they have staff material and will ask questions of staff. After written or oral statements have been given, and there is a week following the public hearing to receive more written testimony, that information is brought back to the Planning Commission and the Planning Commission deliberates on the issues they heard and decide if what they heard will cause staff to make changes. The Planning Commission makes a recommendation to the BOCC and the BOCC goes through a very similar process before they adopt any changes. There will be more opportunity for interested people to talk during the workshop and public hearing. Ms. Kincaid invited anyone to call her at Community Development so she can give any background that is needed.

Mr. Eugene Butler asked if there would be a proposed comprehensive plan map for the South County Subarea Plan available to use, or possibly a reproduction.

Ms. Kincaid stated in the proposed documents there is a map that shows the proposed Urban Growth Areas and the Urban Reserved Areas. Ultimately there will be a comprehensive plan map for the BOCC. The BOCC will hold a workshop and hearing. The South County Plan will be part of the county's annual comprehensive plan amendment, which will include the map that includes any of the land use designations.

Mr. Butler hoped to review the map before those meetings and hearings take place.

Commissioner Mahoney asked if the public hearing on the rezones on October 12 would also be a hearing in which testimony can be received regarding the Mineral Lake rezone.

Mr. Rupp stated the legal notice will state that all the rezone applications, including Application #156, will be included for public testimony. A person will not need to go to Mineral to testify on that rezone request. The public hearing on October 5 is only for the Mineral Lake rezone request.

Mr. Chuck Maduell of Davis Wright Tremaine spoke to Application #156. He referenced the letter that Mr. Rupp spoke of earlier in the meeting, stating it addresses the concern that re-designation of Forecastle Lands to Forest Lands of Local Importance somehow constitutes a de-designation or removal of those lands from the GMA forest resource lands. It does not. The development regulations and comp plan are clear that forest lands of local importance, like forest lands of long-term commercial significance, are forest resource lands under the GMA. Both of those categories meet the criteria for GMA forest resource lands. The only difference in those two categories is density. Local importance

designation has a 20-acre density and long term commercial significant lands have an 80-acre density. The difference in density does not affect their status as forest resource lands under the GMA. Other counties have 20-acre density in long-term commercial significance and the GMA has upheld that.

More importantly, both categories are subject to the development regulations for forest resource lands. The development regulations were adopted to ensure conservation of the forest resource lands and the forest lands of local importance are subject to the natural resource regulations.

If you re-designate the Forecastle lands to forest lands of local importance you don't even have to change the color on your map which designates forest resource lands. If these lands are re-designated to local importance they will retain their status as forest resource lands and will be in compliance with the GMA.

Mr. Mike Talent, Toledo, stated it appeared there was no personal notification when a person's land is involved in the urban growth. Not everyone reads the newspaper or has access to the internet. It appears the county is trying to increase taxes and it is worth sending a letter. He only found out about the meeting on Monday.

Ms. Kincaid stated there are 246 envelopes stamped and being stuffed with letters within a 500 foot buffer of the proposed areas.

Chairman Jennings stated the Planning Commission requested the land owners be notified and be aware that the South County Subarea Plan is something the Planning Commission is considering before recommendations are made. The Planning Commission is interested in hearing what the public has to say about the plan. Within the week land owners should be getting notification of the meetings.

Ms. Kincaid stated the letters need to go into the mail on Wednesday.

VI. Adjourn

There were no other comments and the meeting adjourned at 8:11 p.m.